

Serial No. 09/660,027

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-7 (canceled)

1       8. (currently amended) A method for use in connection with a cable modem  
2 system having a cable modem terminating system module and a spectrum analyzer each  
3 having a communication port, the method comprising the step of searching for a  
4 candidate channel having a specified bandwidth within the spectrum allocated for use as  
5 upstream channels that are indicated by said spectrum analyzer to have an acceptable  
6 noise level over a prescribed period of time The invention as defined in claim 6 wherein  
7 said searching step failed to find a channel with an acceptable noise level over said  
8 prescribed period, the method further comprising the steps of:  
9        reducing said prescribed period of time; and  
10      repeating said searching step.

Claims 9-22 (canceled)